

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

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U.S. DISTRICT COURT - ROME  
D3M9  
SEP 19 2003

IN RE: TRI-STATE CREMATORIAL  
LITIGATION

MDL DOCKET NO. 1467

LUTHER B. BENKIN, Clerk  
BENKIN, Deputy Clerk

This document relates to all cases.

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**MASTER PLAINTIFFS' NOTICE OF DEPOSITION**  
**PURSUANT TO FRCP 30(b)(6)**

Plaintiffs hereby notify Defendants that they will proceed to take the deposition of an agent (or agents) of such public or private corporation or partnership or association ("entity") pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure as set forth upon the attached Exhibit "A," incorporated herewith, and at the times and places specified therein. Such deposition will be taken before a duly certified and official court reporter authorized by law to take depositions and shall also be videotaped by agreement of counsel.

Pursuant to the provisions of Rule 30(b)(6) of the Federal Rules of Civil Procedure, you are required to designate an agent or agents who will testify on behalf of such entity and who shall be authorized to bind the entity thereby with his or her answers in regard to the following issues in this litigation, for which examination is requested for the time period 1988 through 2002 unless otherwise specified:

1. Corporate Governance and related Issues:

- 1) corporate structure and ownership;
- 2) insurance policies and coverages;
- 3) status of licenses issued to you by any governmental entity relating to the funeral business, including but not limited to cremation services;
- 4) the funeral home's efforts to gather documents in response to Plaintiffs' Master Request for Production of Documents;

2. Consumer relations:

- 1) records and knowledge of services provided to and communications with the family of (fill in names of decedents);
- 2) communications with customers regarding cremation services generally and Tri-State specifically;
- 3) the identity and current location of employees of the funeral home who dealt with customers regarding cremations or who dealt with Tri-state;
- 4) the funeral home's policies and procedures relating to record keeping;

3. Cremation Practices and Procedures:

- 1) policies and practices for providing cremation services;
- 2) relationships and communications with Tri-State Crematory, Inc., Tommy Ray Brent Marsh and any other member of his family;
- 3) records or knowledge of inspections of or visits to the premises of Tri-State Crematory, Inc.;
- 4) records of standard contracts for funeral services, particularly for cremation services, including but not limited to any changes thereto;
- 5) records and knowledge of services provided by Tri-State Crematory to you, and services provided by you to Tri-State Crematory;
- 6) procedures followed in connection with the cremation of a body from the time the decision is made to cremate it until the remains are returned to the decedent's family;
- 7) facts and circumstances regarding the business dealings and relationship between the funeral home and third-parties hired to perform cremations, including without limitation Tri-state Crematory;
- 8) knowledge of any facts and circumstances from whatever source suggesting that any third-parties with whom the funeral home contracted to

provide cremations ever failed to properly carry out cremations, including without limitation any knowledge of complaints about Tri-State;

- 9) the funeral home's knowledge of instances in which crematories have failed to properly carry out cremations;
- 10) the identity of other crematories utilized by the funeral home.

This 29<sup>th</sup> day of September, 2003.

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Respectfully submitted,



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Exhibit "A"

Tuesday, September 30, 2003, at the offices of Lead/Liaison Counsel for Funeral Home defendants, Brinson, Askew, Berry, Siegler, Richardson, & Davis, The Omberg House, 615 West First Street, Rome, Georgia 30162, as follows:

9:00 a.m.: Representative of Harold Gilmore, fdba Gilmore Funeral Home (for 1988-2001 issues only)

10:30 a.m.: Representative of Covenant Funeral Services

1:00 p.m.: Representative of Patton Funeral Home

2:30 p.m.: Representative of Pinkard & Mee

3:30 p.m.: Kenemer Brothers Funeral Home

4:30 p.m.: J.D. Hill Funeral Home\

5:30 p.m.: Perry Funeral Home

6:30 p.m.: Fike Funeral Home

7:30 p.m.: Parnick Jennings

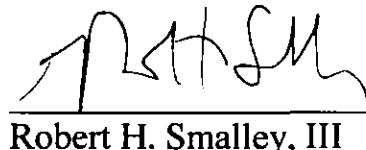
8:30 p.m.: Thomas & Sons Funeral Home

9:30 p.m.: Burt Funeral Home

10:00 p.m.: Layne Funeral Home

**PROOF OF SERVICE BY MAIL**

I hereby certify that a copy of the foregoing was served by postage prepaid United States mail on the 29<sup>th</sup> day of September, 2003 addressed to those listed below:



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